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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/393,274	09/10/1999	JAKOB HOEPELMAN	GE998-038	2494

21254 7590 03/02/2004
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EXAMINER

CROSLAND, DONNIE L

ART UNIT PAPER NUMBER

2636

DATE MAILED: 03/02/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/393,274

Applicant(s)

HOEPELMAN, JAKOB

Examiner

DONNIE L. CROSLAND

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-15 and 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1-29-03 has been entered.

Claim Rejections - 35 USC § 112

Claims 1, 21, 3-5, 8, 11-15, and 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 15, line 6, the phrase "said signal" has no antecedent basis. It appears that "said" should be replaced by –a–.

Claim 8 is incomplete in depending from a canceled claim 7.

Claims 17 and 18 are incomplete in depending from a canceled claim 16.

Claim 11 is incomplete in failing to establish a structural connection between the preamble of an authorization control system and the body of the claim. For example, the body of the claim fails to refer back to the preamble for a complete structural connection of elements with respect to authorization control.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Robinson (GB 2129176), already of record.

Robinson shows a wrist watch for a device authorization control system and includes a storage device 30 in figure 3 for storing personal code data, a signal provider in the form of multiplexing circuit 38 and encoder 40 for outputting signals representing the personal code data, and signal delivery interface 48, figure 3, signal receive interface means 12 in figure 6 for receiving signals representing the personal code data, a signal processing device 14 in figure 1 that includes the processing circuitry in figure 6 for determining a user's authorization for using the device by evaluating the signals and outputting a signal indicative of the evaluation result, a control device in the form of enabling equipment which may be any machine or apparatus which is operated or enabled by pressing a pushbutton or operating switch (claimed actuator), page 2, col. 1, lines 1-22, and wherein a signal path between the signal provider and the signal delivery interface includes a user's body, see page 1, col. 2, page 2, col. 1, lines 41-65, col. 2, lines 105-130, and wherein the delivery interface is capacitively coupled to the signal receive interface, page 2, col. 1, lines 1-5.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3-6, 8-12, 14, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson as applied to claim 1, 13, 15, and 21 above, and further in view of Lemelson, newly cited.

See discussion of Robinson above.

Robinson additionally shows a watch and suggests other body worn devices such as a bracelet or pendant, page 1, col. 2, lines 87-89.

Robinson fails to suggest finger ring.

Lemelson shows a finger ring 11 for a device authorization control system, see figure 1 and the abstract.

Lemelson further provides motivation for the use of a ring instead of a wristwatch and hence the obvious use of both rings and watches for authorization control.

It would have been obvious to one having ordinary skill in the art to use a finger ring for the authorization control in Robinson because the use of a finger ring for authorization control is suggested by Lemelson.

The recited firearm constitutes use and such would not involve patentable invention.

A firearm is one of many devices that requires authorization.

The mere fact that applicant choose to use his device for authorized use of a firearm instead of authorized use of a lock switch for a door or cash register in Robinson

or door, safe, machine, or other device, col. 3, lines 28-33 would not constitute a patentable invention.

The claimed firearm qualifies as the other device or machine.

Also, a patentee is entitled to all the uses to which his device may be put, whether originally contemplated by him or not. The mere fact that the applicant is using his device on a specific device such as a firearm instead of the devices such as general machines, door, safe, or other device does not constitute a patentable invention.

Claims 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson.

With respect to claim 13, time registration is conventional as evidenced by conventional time constraints employed in access doors for bank vaults, doors, safes, cash tills and other restricted areas that limits access based on time.

It would have been obvious to one having ordinary skill in the art to employ time registration in Robinson's access system because the use and advantages on time registration in access systems are conventional as evidenced above.

With respect to claim 21, such redundant comparison would not involve patentable invention since the artisan recognizes the elimination of noise or interference by redundantly comparing the carrier a number of times.

It would have been obvious to one having ordinary skill in the art to compare two carriers of information in the access system of Robinson because of the conventionality of carrier comparison for interference elimination purposes.


Response to Arguments

Applicant's arguments with respect to claims at issue have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONNIE L. CROSLAND whose telephone number is (703) 305-4388. The examiner can normally be reached on Mon-Fri, 9:30a-6:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFERY HOFSSASS can be reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DONNIE L. CROSLAND
Primary Examiner
Art Unit 2636

Dlc
2-25-04